

**Key Points of Proposed  
Nebraska Land Information System Program Legislative Concept  
DRAFT Version XI**

- 1. Legislative Intent.** The Nebraska Land Information Systems Program (NLISP) is created. The purposes of the program are to:
- A. Develop, maintain, and provide easy access to accurate public land records, road and street address data bases, and related information through the use of information technology;
  - B. Meet statewide information needs for critical applications, such as homeland security, emergency response, public health and safety, and economic development;
  - C. Promote the efficient use of public resources by facilitating the development of collaborative interagency, intergovernmental efforts to implement information technology
  - D. Develop and implement data standards and information technology that facilitate the integration and statewide aggregation of public land records and related information across governmental jurisdictions;
  - E. Provide a dedicated funding source to encourage and assist collaborative local government efforts to develop information technology
  - F. Support the statewide implementation of the NLISP by facilitating the formation of regional land information system service units and/or other means to develop a flexible, sustainable program that can help to mitigate the diversity of financial and technical resources available to local political subdivisions and provide a level of institutional program stability to mitigate adverse impact on this intergovernmental program that might be caused by changes in a particular elected public official and their unique mix of technical skills.
  - G. Establish an interim dedicated funding source to allow registers of deeds and county clerks serving as ex officio registers of deeds to fund a backlog of preservation and modernization needs related to land records:
    - i. Major outlays for the restoration and preservation of existing records and indices;
    - ii. Outlays for the analysis and evaluation of new record-keeping and record-retrieval technology;
    - iii. The upgrade of existing equipment and software for record keeping and record retrieval; and
    - iv. The upgrade and purchase of equipment and software for electronic record keeping, record retrieval, and electronic filing.

**2. Definitions**

- A. Automated Land Information System. An automated land information system is a geographic information system (GIS) having as its main focus, data concerning land and land ownership records. An automated land information system consists of computerized maps and associated tabular databases, computer hardware and software, trained personnel, and supporting institutional arrangements and policies. The map databases must be geographically-referenced and logically constructed to enable combining and analyzing data based on location or spatial proximity. Computerized maps must also be associated w related tabular databases that provide additional information about map elements (i.e. property parcel maps and related information on property ownership, size, value, improvements, zoning, tax district, etc.). Core data for local government land information systems include computerized maps and associated tabular data on property parcels, aerial photography, Public Land Survey System section corners, and geodetic

survey control points. Other maps and associated databases commonly used to support and expand the capabilities of automated local government land information systems include: street/road centerlines with address ranges, hydrography, zoning, land use, wetlands, and flood zones.

- B. Regional Information Service Units. Regional Information Service Units (RISUs) consist of three or more counties, and other political subdivisions, which have joined together, through interlocal agreements, to support the collaborative development and maintenance of an automated land information system(s) to maintain and provide ready access to land information, for their geographic region, in a cost-efficient manner.

Because of the wide diversity of local government resources and existing land information system development, the development of RISUs do not necessarily imply that the land information systems for the various NLISP regional partners will be integrated into a single computer system. However, to ensure a reasonable level of collaborative NLISP program planning and development, RISUs will require a clearly defined RISU governance structure which includes representatives of the major public land record data maintenance and data user agencies, and which is empowered to act in the area of regional NLISP program and financial planning and implementation.

In most instances, efficiencies can be gained by integrating at least three or more counties into a RISU, however because unique situations may occur to make such a requirement difficult, if not impossible, the legislation would allow for an appeal to the CIO to waive this three county minimum requirement.

- C. NLISP Coordination Committees. Local NLISP coordinating committees consist of the County Board and the representatives of the major land record data maintenance and data user agencies (County Assessor, County Register of Deeds, County Surveyor and others as determined by local NLISP governance agreements, such as County Highway Superintendents, emergency responders, County Treasurers, or County Clerks) created to ensure a reasonable level of coordination and collaboration at the local and/or regional level and are empowered to act in the area of collaborative NLISP program and financial planning.

### **3. Revenue**

- A. A combination of a \$5 increase in recording fees for the first page of a land records document, coupled with a \$0.50/\$1,000 increase in the documentary stamp tax.
- B. It was estimated last year that each of these revenue increases would generate approximately \$2 million/year for an aggregate increase of \$4 million/year

### **4. Allocation of Increased Revenue**

- A. Overview of Funds Allocation.
- i. The revenue generated by the \$0.50/\$1,000 documentary stamp tax increase would be dedicated to a broad-based, coordinated effort to develop and maintain an integrated Nebraska Land Information System Program (NLISP) at the state and local government level.
  - ii. For the first five years, the funds generated by the \$5 recording fee increase would be allocated to the Register of Deeds for records preservation and modernization, as proposed in last year's LB 232.
  - iii. After five years, the revenue generated by the \$5 recording fee increase would be shifted to a fund dedicated to supporting local government's participation in the broader NLISP. Local Register of Deeds would continue to be eligible to receive funding from the recording fees

used to support the local efforts of NLISP, but their funding request would need to be endorsed by local/regional NLISP coordinating committees.

- iv. Funds received by counties under the NLISP Act shall be used solely for land record preservation and the collaborative development and maintenance of automated land information systems.

B. Documentary Stamp Tax. For the first five years, the \$0.50/\$1,000 increase in the documentary stamp tax would be dedicated to the overall mix of funds supporting a broad-based, integrated state/local NLISP. In general, funding available to the NLISP would be allocated into three funds:

- i. NLISP Formula Distribution Fund. 50% of the available funds would be allocated to a state-administered fund to would be distributed to counties with qualifying local/regional NLISP programs following the formula defined below. To qualify for these funds, a local NLISP coordinating committee and their respective County Board must agree to follow the standards for data, program coordination, and data sharing adopted as part of the NLISP program (see section 6):
  - a. 20% evenly distributed to the total number of qualifying counties;
  - b. 20% based on a qualifying county's share of the total taxable parcels in the state;
  - c. 10% based on a qualifying county's share of the total square miles in the state; and
  - d. 50% based on a qualifying county's share of the revenues generated to support the NLISP.

- ii. NLISP Grant Fund. 25% of the available funds would be allocated to a fund to be distributed via grants to qualifying RISUs, County Boards, state agencies or other political subdivisions. This grant fund would be state-administered, with guidelines and oversight provided by the State's Chief Information Officer, in cooperation with the Nebraska GIS Steering Committee. An initial priority for the allocation of these grant funds would be efforts to encourage/facilitate the formation and operation of regional, multi-county NLISP program entities or other efforts to facilitate the ultimate statewide implementation of the NLISP program.

To encourage/facilitate the formation of regional, multi-county NLISP program entities, and in recognition that this intergovernmental planning process requires resources, one-time planning grants of \$5,000/county will be made available to counties intending to form qualified land information system regions for coordinated NLISP program implementation. These regional planning grants would not be available to counties who are not planning to develop a regional NLISP entity

- iii. NLISP State Program Fund. 25% of the available funds will go to a state NLISP State Program Fund, administered by the State's Chief Information Officer, in cooperation with the Nebraska GIS Steering Committee, to be used for state-level NLISP-related activities such as statewide data integration and related system and application development, local government technical assistance, data acquisition, training, and overall program administration.

C. Recording Fees First 5 Years. For the first five (5) years, the revenue generated by \$5 recording fee increase would be dedicated to the Register of Deeds efforts (as outlined in last year's LB 232) to preserve and modernize land records maintained by the Register of Deeds. To facilitate overall compatibility with the local NLISP, expenditures of these funds for information system components or digital data development will be coordinated with the local NLISP coordinating committee. The allocation of these increased recording fees would follow the pattern outlined in LB 232, with

- i. \$3.00 (60%) staying in the county in which it was collected and credited to a separate fund to be designated for the purposes as outlined in subdivision (1)(d) of LB 232;
  - ii. \$1.50 (30%) going to a state administered County Records Preservation and Modernization Grant Fund, which would provide a source of grants to applying County Register of Deeds; and
  - iii. \$0.50 (10%) going to support state-level administration of the program
- D. After Initial 5 Years. After the initial five (5) year period, the revenue from the \$5 increase in recording fees would then be shifted to support a fund dedicated to local/regional NLISP formula distribution (see 4.B,i above). This fund is distributed to qualifying County Boards based on a defined formula and dedicated to supporting collaborative local/regional participation in an integrated NLISP program. Following the general principal of 50%-25%-25% allocation of available NLISP funds (see 4.B), once the \$5 recording fees are shifted to support the NLISP formula distribution to local/regional NLISP entities, then the funds from the \$0.50/ \$1,000 documentary stamp tax increase would also be shifted to support the NLISP Grant Funds and the NLISP State Program Fund. After the initial five year period, this shift of the recording fees to support the broader NLISP program components is expected to approximately double the amount of funding available for local/regional, integrated NLISP efforts through the formula distribution and the grant funds. Local Register of Deeds would still be eligible to participate in this NLISP funding, but their funding requests would need to be coordinated with and endorsed by the local/regional NLISP coordinating committees.
- i. Recording Fees After Initial 5 Years. After the initial five (5) years, the revenue generated by the \$5 increase in Recording Fees would be allocated to the fund dedicated to supporting qualifying local/regional NLISP coordinating entities participation in the integrated NLISP program and distributed to local/regional coordinating entities based on the distribution formula below, originally defined in section (4,B,i). To qualify for these funds, a local coordinating committee and its respective County Board must agree to follow the standards for data, program coordination, reporting, and data sharing adopted as part of the NLISP program (see section 6).
  - ii. Documentary Stamp Tax After Initial 5 years. Since after the initial five (5) years, the revenue generated by the \$5 increase in recording fees will be re-allocated to support the NLISP Formula Distribution Fund, the entire increased revenue generated from the \$0.50/\$1,000 increase in the Documentary Stamp Tax will then be available to be divided equally between the two other NLISP funds
    - a. NLISP Grant Fund. One-half of this revenue will go to a NLISP Grant Fund to be distributed via grants to qualifying Regional NLISP Service Units, County Boards or state agencies. This grant fund would be state-administered, with guidelines and oversight provided by the State's Chief Information Officer, in cooperation with the Nebraska GIS Steering Committee. An initial priority for the allocation of these grant funds will be efforts to encourage/facilitate the formation and operation of regional, multi-county NLISP program entities or other efforts to facilitate the ultimate statewide implementation of the NLISP program.
    - b. NLISP State Program Fund. One-half of this revenue will go to a state NLISP State Program Fund, administered by the State's Chief Information Officer, in cooperation with the Nebraska GIS Steering Committee, to be used for state-level NLISP-related activities such as statewide data integration and related system and application development, local government technical assistance, data acquisition, training, and overall program administration.

## **5. Program Administration and Coordination.**

- A. Local/Regional Coordination. Local and/or regional NLISP coordination committees will be required to ensure a reasonable level of coordination and collaborative NLISP program planning and implementation at the local/regional level. NLISP funding to local and/or regional NLISP programs will be contingent upon approval of local/regional NLISP program and financial plans by the respective coordinating committees.
- B. County Records Preservation and Modernization Grant Fund. The County Records Preservation and Modernization Grant Fund dedicated to providing grants to Register of Deeds for the first five years would be overseen by the CIO, in cooperation with the Register of Deeds grant advisory committee as outlined originally by last year's LB 232. At the end of five years, it is anticipated that this special advisory committee and the County Record Preservation and Modernization Fund will sunset.
- C. NLISP Formula Distribution Fund. These funds will be dedicated to supporting local /regional government-level implementation of a collaborative NLISP program and distributed to the counties based upon the distribution formula outlined in (4.B.i). The CIO will be responsible for the administration and distribution of these funds. Distribution of these funds to the counties will be contingent upon counties planning and implementing an automated land information system program consistent with the NLISP requirements for reporting, coordination, data standards, and data sharing (see section 6).
- D. NLISP Grant Fund. The grant fund to help support the broader NLISP programs would be overseen by the CIO, in cooperation with the Nebraska GIS Steering Committee. The initial focus of these grant funds would be on efforts to encourage and facilitate statewide implementation of the NLISP program.
- E. State-level Program Administration. Responsibility for overall state-level program administration will be through the State's Chief Information Officer.

- 6. **Standards and Other Requirements.** The State's CIO, working in cooperation with the Nebraska GIS Steering Committee, would be authorized to develop and enforce standards and guidelines for the NLISP program. As currently anticipated, those standards would be the minimum required to ensure local/regional coordination and interoperability, state/local data sharing, statewide data integrity and data integration, and overall program efficiency. Receipt of any of the NLISP funding would be contingent upon the recipient's agreement to abide by these program standards. This would include a likely standard/requirement that any digitization of land records by Register of Deeds funded through the NLISP is done in a manner that the data and system is capable of ready integration into a broader land information system. The Nebraska Information Technology Commission (NITC) will adopt standards based upon recommendations from the Nebraska GIS Steering Committee. The CIO will also develop performance measures for the NLISP.
- 7. **State-level Program.** As an integrated local/state partnership, the NLISP would also involve state-level program components. These programs will be funded by the 25% of the NLISP funds allocated to state-level programs. Among the state-level program activities currently anticipated are the following: overall NLISP program administration, providing technical assistance to local/regional NLISP centers, statewide data integration, systems and application development, training, and data acquisition (i.e. updated aerial imagery). The State-level Program Fund will be administered by the CIO. The CIO will have the authority to contract with other entities to assist in the implementation of NLISP program activities and achieve NLISP objectives.